

Taunton Deane Borough Council

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 15 July 2008 at 6.30 pm.

Present The Mayor (Councillor Slattery)
 The Deputy Mayor (Councillor Bowrah)
 Councillors Mrs Allgrove, Beaven, Bishop, Bone, Brockwell, Brooks,
 Cavill, Coles, Mrs Copley, Mrs Court-Stenning, Denington, Durdan,
 Farbahi, Mrs Floyd, Govier, Guerrier, Hall, Hayward, Henley, Ms
 Herbert, C Hill, Mrs Hill, Horsley, House, Miss James, R Lees, Mrs
 Lees, Mrs Lewin-Harris, McMahon, Meikle, Morrell, Murphy,
 Prior-Sankey, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Thorne,
 Watson, Mrs Waymouth, Ms Webber, A Wedderkopp, D Wedderkopp,
 Mrs Whitmarsh, Williams, Mrs Wilson, Miss Wood and Woolley.

1. Minutes

The minutes of the Annual Meeting of Taunton Deane Borough Council held on 7 May 2008, copies having been sent to each Member, were signed by the Mayor subject to the following amendment to Minute No. 12, "Appointment of the Strategy and Performance Panel", being inserted to replace the existing:-

"13 Members, 6 Conservatives, 6 Liberal Democrats, 1 Independent."

2. Apologies

Councillors Critchard, Edwards, Leighton, Mullins, Paul and Stuart-Thorn.

3. Declarations of Interest

Councillors Brooks and Henley declared personal interests as Members of Somerset County Council. Councillor Govier declared personal interests as a Member of Somerset County Council, a Member of the Wyvern Club and as a non-Executive Director of the Primary Care Trust. Councillor Prior-Sankey also declared a personal interest as a Member of Somerset County Council and a Member of the Wyvern Club. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor Miss James declared a personal interest as an employee of Viridor. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council and Members of the Wyvern Club. Councillor Thorne declared a personal interest as a close relative worked for Tone Leisure. Councillor Miss Wood declared a personal interest as she served on the Executive of the North Taunton Partnership. Councillors Durdan and Stone declared prejudicial interests as Tone Leisure Board Members. Councillor Durdan left the room during the discussion of the Motion relating to Tone Leisure – Minute No 5 refers. Councillor Stone remained in the John Meikle Room during the discussion of the Motion but did not speak or vote.

(At the request of Councillor Williams, the Mayor, with the assent of the Council, agreed to item 10 on the agenda relating to reductions in funding to Tone Leisure being brought forward to be heard after receiving questions from Local Government Electors.)

4. **Public Question Time**

- (1) Mr J Beaman, the Chairman of the North Taunton Local Action Team referred to the current problems affecting the North Taunton Partnership. He asked whether the Council could do anything to make the Partnership more “tenant friendly”?
- (2) Ms I Saffah made reference to the Priorswood Resource Centre. A great deal of work had been needed to bring this facility into operation. Was it all to be for nothing?

In response, Executive Councillor Horsley made it clear that it was up to the Trustees of the North Taunton Partnership to make the business case for both the Partnership and the Resource Centre to continue. He would personally be keeping a close watch on this and would ask both Economic Development and Community Leadership to assist the trustees.

The following questions all related to the reduction in funding to Tone Leisure and were taken into account during the discussion of this matter (Minute No 5 refers).

- (3) Mrs J Reed asked:-
 - (a) How can the Council justify the loss of concessions to Tone Leisure for over 60's and mothers with small children, when as Councillors we are actively encouraging everyone to take more exercise and keep fit?
 - (b) Can I ask all Councillors for the sake of their own conscience and common sense that they vote against the loss of these concessions?
 - (c) Public feeling is such that should these concessions be lost, Councillors will be held in contempt as they will be accused of not listening to the electorate who voted for them. How then can they justify their place on this Council?
- (4) Mr R Lawy referred to the proposed withdrawal of the squash provision at the Blackbrook Pavilion. He felt the letter circulated by Tone Leisure had been dishonest. He asked why everyone could not work together to keep these well used courts open?
- (5) Mr S Walker felt that the total lack of consultation with the public left the proposed closure open to Judicial Review. Was not the Council's actions against the advice contained in Planning Policy Guidance Note No 17?
- (6) Mrs Courtly considered the closure of the crèches to be a bad idea.

Could not Full Council overturn this decision?

- (7) Mrs J Hartland referred to the proposed reduction in Old Age Pensioner (OAP) concessions. As most OAP's lived on fixed pensions this would result in fewer OAP's using the leisure centres. She asked whether it was preferable for OAP's to keep active and independent or cost the Council more in social care?
- (8) Ms V Gordon said there had been a 50% increase in the swimming fee since 2005. She felt the Council was playing with people's health and asked for this to stop.
- (9) Mr A Dickson was of the opinion that investment in good health was sound sense and provided positive benefits for senior citizens. Would not the proposed cuts be detrimental to OAP's?
- (10) Ms L Woodcock said the crèches were a lifeline. Exercise for new mums was crucial. She did accept that this facility was currently offered too cheaply and wondered why a more realistic charge was not made instead of closing the crèches completely.
- (11) Mr K Jones said the closure of the crèches would be a retrograde step and would have a detrimental affect on the community. He asked whether any use surveys had been undertaken and also what the real reason for closure was?
- (12) Ms E Chilcott asked why works were going to take place at all three leisure centres at the same time?
- (13) Ms C Ralton wondered why no consultation had been carried out. She referred to the Council's Community Strategy which acknowledged that there was a deficit in leisure and culture in the district. She added that a 500 signature petition against the Council's decisions had already been collected.
- (14) Ms K Royston said she had a three-year old autistic son who needed constant care. The crèche at Blackbrook provided short respite breaks which were essential to her. She asked the Council not to close the crèches.

5. **Motion - Reductions in funding to Tone Leisure**

Moved by Councillor Williams, seconded by Councillor Ms. Herbert.

Detailed budget reductions have been considered through Overview and Scrutiny and the Executive which involve cuts in concessions to the elderly, removal of crèche facilities for the young and the closure of the last public squash courts in Taunton. Since news of this has started filtering out to those most affected and "filtering out" is meant, as no public announcement or

consultations have been made to those most affected, therefore strong representations against the changes are being made.

We urge a review of funding for the elderly and crèche provision as it is being seen as an attack on the elderly trying to keep fit and young mums when they are most in need following the birth of a child trying to regain fitness. Also it is helpful to some to avoid post natal depression by providing popular, safe, healthy activities. This is being seen as Taunton Deane attacking both ends of the generation spectrum.

The fundamental problem is that all of these negotiations with Tone Leisure and how they overcome the cut in budget have been carried out under confidential cover so those most affected have not been given any advance warning or consulted. This is being seen as anti-senior citizens and young mums and they are becoming extremely vocal about the cuts being focused against them and worse, feel it is a fait accompli. This is causing huge resentment with many comments about cloak and dagger decisions, lack of transparency and taking arbitrary decisions affecting people without consultation.

There is also very strong representation from the squash players condemning Taunton Deane for sanctioning the removal of the last public squash courts in the County Town, again, without any consultation with those most affected.

The protestors perceive this as the Council letting them down and only paying lip service to the stated aim of trying to improve fitness in the community by encouraging physical activity.

In order to try and address these concerns this Council resolves that:-

1. The reinstatement of funding to Tone Leisure to the extent that removal of concessions to the elderly and crèche facilities for the young are not necessary;
2. To enter into consultation with representatives from the squash playing community to ensure they are fully aware of and accept the proposals for change before implementation which will involve the removal of the last public courts in Taunton; and
3. Although accepting the need for tight budgetary control of the Council's finances this should not be at the expense of front line services that are valued by some of the most vulnerable in our community.

The motion was put and was carried.

6. **Changes to the Constitution**

Submitted report previously circulated which detailed a number of proposed

changes to the Council's Constitution that were required to bring it up to date with the Council's current ways of operating and to make the decision making process even more effective and efficient.

The proposed changes to the Constitution and the Council's Financial Regulations had been endorsed and recommended for approval by the Corporate Governance Committee at its meetings in March and June 2008.

Moved by Councillor Denington, seconded by Councillor Hall that the suggested wording of Paragraph 9(1) of PART II OF EXECUTIVE COUNCILLORS' REPORTS be amended to read as follow:-

"9. (1) When Part II of an Executive Councillor's report is being considered Councillors may, upon items referred to in that report:-

- (a) Submit written questions to be received by the Democratic Services Manager by 4 pm, two working days before the Council meeting;
- (b) Responses will be given to these questions and one further supplementary question will be allowed related to the question arising from the answer to seek further clarification;
- (c) Verbal questions will be allowed which may be answered verbally or in writing."

The amendment was put and was agreed.

Resolved that:-

- (a) the role of overview and revision to the Constitution be delegated to the Corporate Governance Committee;
- (b) the powers to approve revisions to the Constitution be delegated to the Corporate Governance Committee and the Monitoring Officer;
- (c) the Financial Regulations be adopted;
- (d) a standing Sub-Committee of the Corporate Governance Committee (consisting of one representative from each of the political groups on the Council) be established to work with the Monitoring Officer to carry out regular reviews of the Constitution;
- (e) the powers delegated to the Monitoring Officer, Chief Solicitor and Member Services Manager referred to in the Constitution be re-delegated to the Monitoring Officer;
- (f) the proposed changes to the Constitution in connection with:-
 - Article 1 – The Full Council;
 - Article 6 – The Executive;

- Article 7 – Regulatory Committees;
- Article 8 – The Standards Committee;
- Article 11 – Joint Arrangements; and
- Article 12 – Officers,

be all approved; and

- (g) all of the other proposed changes be referred back to the standing Sub-Committee of the Corporate Governance Committee (referred to in (d) above) for further consideration.

7. **Written Questions to Members of the Executive**

- (a) Councillor Hall asked the following questions:-

In view of the fact that the Police and Magistrates found it necessary to cancel the Party On event last Saturday, would Executive Councillor Lees please advise me who authorised use of Vivary Park for that event?

Can he confirm before permission was granted proper investigations were undertaken:-

- (a) into the nature of the organisation running the event;
- (b) the charitable status of that organisation and this event; and
- (c) to ensure that proper controls existed so that trouble did not occur as a result of excessive consumption of alcohol?

Councillor Prior-Sankey, on behalf of Councillor Lees, stated that following the success of the Party On event last year which was staged in the High Street, Taunton, the organisers requested the use of part of Vivary Park to enable a bigger party to be held on Saturday, 12 July 2008.

The organisers of the event are not a charity. However, it was intended that any profits made from the party would be donated to charity.

I, as Executive Councillor, in consultation with The Leader, agreed to the use of Vivary Park but with the appropriate charge for the hire being levied.

The event was licensed after a formal application was received and advertised by way of public notices on the premises and in the local paper.

After the application was received there was a meeting between all responsible authorities (including the Police) and the promoter where

the terms and conditions of the licence were agreed which included security provision.

The Police became concerned only after the promoter advertised the event on a social networking site as it was felt that the event could attract more people than the event was licensed for and this, in turn, might lead to public disorder.

The advertisement on the internet indicated that drunkenness would be acceptable. Therefore from what was initially advertised as a fancy dress party with music and alcohol became possibly something else – hence the reason for requesting the closure order.

(b) Councillor Ms Webber asked the following questions:-

Crime and Disorder Reduction Partnership (CDRP)

1. How will Members know what is going on at the partnership meetings and will they be able to influence decisions in any way?
2. How will Taunton Deane ensure that its voice is heard adequately and how much funding will the new CDRP have and how will they decide on how it is best spent?

Council for Voluntary Service (CVS)

3. Are you aware that one of Taunton Deane's representatives has resigned from the CVS and could you tell me who has replaced her and what services are being delivered for the £26,500 given to the organisation by Taunton Deane?

Councillor A Wedderkopp replied as follows:-

Members will continue to be able to get minutes and agenda from the website as they have always been able to. The membership of the newly formed merged CDRP is still being finalised and it will depend on the statutory members of the group to make the decision as to whether further Member involvement is desirable. As the appropriate Executive Councillor, I am one of those making the decision. Members will be able to influence the agenda through speaking with the nominated officer, Scott Weetch or through myself. Any specific issues which are of sufficient concern may be tabled at a relevant partnership (CDRP) meeting.

Taunton Deane will have officer and member representation, which is exactly proportionate to that of the two other authorities. Other members of the group will also have geographic responsibility for Taunton Deane and will wish to see their interests met. The new partnership has a total budget of £247,000. Some of this money is allocated to posts (one of which is hosted by Taunton Deane). The

remainder (£159,830) is available to spend on projects to reduce crime, disorder and anti-social behaviour. The membership of the group will decide on how the money is best spent by looking at priorities through the Local Area Agreement and Strategic Assessment, which identify areas of need and working out which projects, existing or new, are best placed to tackle these.

Prior to David Baker taking on the Chairmanship of Taunton Deane CVS the structure of CVS included a Board of Trustees (ultimately responsible for CVS and the place where final decisions were taken) and a wider Board acting as more of a forum (that both Councillors Joanna Lewin-Harris and Nigel Stuart-Thorn were members of as Council appointees).

Since becoming Chairman of an organisation which currently has no paid employees, Mr Baker has had to consider very carefully what the CVS can achieve within the scarce resources he has available. One decision he has reluctantly taken is to dispense with the "wider" Board in its current form. He is currently developing a range of new look mini-forums, concentrating on particular services provided by CVS to which Councillors and others will be invited to attend.

Although I do regret Councillor Lewin-Harris's decision to resign as a Council appointee, I can perhaps understand her reasons in view of the demise of the wider Board. However, in view of the above, would she like to reconsider?

As the new look mini-forums have not yet been established by the CVS, no action to seek a further Council appointee has yet been taken.

Services delivered by CVS

The funding provided by the Council to the CVS helps provide the following type of services:-

- It maintains and updates a directory of local voluntary and community organisations and the services they provide;
- It produces and distributes quarterly newsletters;
- It provides information and support about legal structures, effective management of a voluntary organisation, financial and administrative management;
- It advises on funding sources;
- It provides information to both voluntary and statutory organisations about groups in the local area and networks which can be accessed;
- It plays an active part in the development and operation of working agreements, protocols and compacts;
- It represents the voluntary sector on relevant local partnerships, e.g. the Local Strategic Partnership;

- It recruits volunteers (20 have been recruited in the past month) and advises/signposts them to volunteering opportunities available;
- It advertises volunteering opportunities on behalf of local voluntary groups.

This is not a complete list, but gives a general idea of the main areas covered. This year, the Council will be holding quarterly meetings with CVS to monitor its performance.

(c) Councillor D Wedderkopp asked the following questions in relation to the railway bridge in Station Road, Taunton:-

1. The mess under the bridge is as great as it ever was when I last put a question to you in the autumn of 2007. In fact I understand that the DLO only undertake a major clean up once every three weeks. The people of Fairwater and other pedestrians are subject to this daily ordeal. What are the chances of a more frequent clean up being implemented by the DLO?
2. I am aware that progress has come to a halt in respect of solving the problem of the pigeons roosting and nesting under the bridge by putting up proper covering. Can you confirm that this is because Network Rail having agreed to meeting 50% of the cost have asked TDBC to undertake 100% of all future maintenance?
3. What are the prospects of re-opening negotiations with Network Rail and will you undertake to see what pressure you can bring to bear to overcome the daily misery of thousands of local users?

The Leader of the Council, Councillor Henley, responded on behalf of Councillor Mullins as follows:-

The pavements and road beneath the bridge are pressure-washed every second or third Sunday by Deane DLO, but this is not a matter in which Environmental Health has any involvement. Whilst local residents may feel that the conditions are unpleasant, this washing is, of itself, sufficient to prevent a legal nuisance from developing. From a public health point of view we could not justify increasing the frequency of washing. However, if it were felt to be necessary for cosmetic purposes, Deane DLO may be able to pressure wash the area more frequently. Clearly there would be a cost associated with this, for which there is currently no budgetary provision.

Cllr Mullins led on negotiations to enter into a possible cost-sharing agreement, on a 50/50 basis, last year with Network Rail for proofing the underside of the bridge, which would have cost a total of around £20,000.

Network Rail agreed in principle to contribute half of this sum but then insisted that we sign a legally binding document that would have

involved an on-going financial liability for the Council for as long as the proofing measures remained in place.

In practice, the Council would have had to contribute 100% of the cost of removing and replacing the proofing every time that Network Rail wished to access the underside of the bridge for any purpose such as inspection, cleaning, repairs, maintenance or painting. This we felt unable to agree to, as we would have had no control over how often we would be liable to find significant sums of money.

When negotiations failed on the point of on-going maintenance liability, Network Rail withdrew their offer of 50% funding at the end of the last Financial Year. In doing so, they made it plain that the proposal represented their normal practice in arrangements of this sort and that they would not depart from their position.

We believe that we have taken this matter as far as we can and that no purpose would be served by re-opening negotiations. We have no legal powers to force the bridge owners to take action in this matter, because the legal criteria for public nuisance have not been met.

8. Reports of the Leader of the Council and Executive Councillors

The following reports were made to the Council on the main items of current and future business.

(i) Leader of the Council (Councillor Henley)

Councillor Henley's report covered the following topics:-

- Pioneer Somerset;
- Tone Leisure;
- Green Issues;
- Southwest One;
- Telephone Boxes;
- Oxen Lane, North Curry;
- Affordable Housing;
- Constitutional Changes;
- Question Time.

(ii) Community Leadership (Councillor A Wedderkopp)

Councillor A Wedderkopp's report focused on the following areas within his portfolio:-

- Local Area Agreement (LAA);
- Community Partnership;
- Taunton Deane Council for Voluntary Services;
- The Crime and Disorder Reduction Partnership;

- Restorative Justice.

(iii) **Communications (Councillor Brooks)**

Councillor Brooks' report covered the following topics:-

- Somerset County Gazette Visit;
- Public Relations;
- Other Communications.

(iv) **Planning Policy and Transportation (Councillor Coles)**

Councillor Coles submitted his report, which drew attention to the following:-

- Forward Planning;
- Monkton Heathfield;
- Staffing Levels;
- Residents' Parking.

(v) **Economic Development, Asset Management and Tourism (Councillor Horsley)**

The report from Councillor Horsley covered:-

- Project Taunton;
- The Brewhouse;
- Into Somerset;
- Culture;
- Pioneer Somerset;
- Economic Development;
- Community Development, Deprivation and Regeneration.
- General work of the unit.

(vi) **Leisure, Arts and Culture (Councillor R Lees)**

The report from Councillor R Lees dealt with activities taking place in the following areas:-

- Community Leisure;
- Play;
- Sport;
- Tone Leisure (Taunton Deane) Limited Activities.

(vii) **Environmental Services (Councillor Mullins)**

The Report from Councillor Mullins drew attention to developments in the following areas:-

- Environmental Health;
- Environmental Protection;
- Licensing;
- Health and Safety Team;
- Taunton Deane Cemeteries and Crematorium.

(viii) **Housing Services (Councillor Prior-Sankey)**

Councillor Prior-Sankey submitted her report which drew attention to the following:-

- Affordable Housing – A New Way Forward;
- Decent Homes Work;
- Tenant Empowerment;
- Rough Sleeper Unit at Norie House, Taunton;
- Choice-based lettings;
- Bed and Breakfast and Temporary Accommodation Statistics.

(ix) **Resources (Councillor Mrs Smith)**

The report from Councillor Mrs Smith provided information on the following areas within her portfolio:-

- Legal and Democratic Services;
- Personnel;
- Southwest One;
- Corporate Support Services;
- Revenues and Benefits Service Unit;
- Financial Services;
- Scrutiny and Performance Management.

9. **Motion - Concessionary Bus Fares**

Moved by Councillor Williams, seconded by Councillor Bishop.

An Early Day Motion (EDM) No 922, reproduced below, has been submitted to Parliament by Jeremy Browne MP regarding concessionary bus fares for pensioners:-

“EDM 922

Concessionary Bus Travel for Pensioners in Taunton Deane

18.02.2008

Browne, Jeremy

That this House welcomes the concessionary bus pass scheme for pensioners in Taunton Deane; recognises the benefits such a scheme provides to local pensioners, including encouraging participation in leisure and social activities and widening access to local amenities and services; also welcomes the reduction in car use the full implementation of the scheme would encourage and the consequential benefits to the local environment and

congestion; expresses concern at the shortfall in national funding provided for the scheme in Taunton Deane for 2007/2008, which accounted for only 38 per cent of the actual funding required; regrets that the previous local administration in Taunton Deane failed to balance the budget and provided only 28 per cent of the funding needed for 2007/2008 when it was decided in February 2007, with the consequence that the current administration must attempt to rectify its error without making up the £538,000 shortfall through a 10.46 per cent Council Tax rise; welcomes the scheme's nationwide expansion in 2008/2009, but expresses serious concern that the £1,037,000 required to finance it in Taunton Deane will again not be provided at a potential cost to the local taxpayer of 20 per cent more on their Council Tax bill; urges the Government to rectify the funding shortfall for 2007/2008; and calls on the Government to provide sufficient funding in time for the nationwide rollout of the 2008/2009 scheme so that Taunton Deane pensioners and residents are not penalised by administrative accounting shortfalls as they have been previously.”

By presenting this EDM in the form above it is regrettable that our MP shows a complete lack of understanding of Local Government finances or chooses to ignore the fundamental requirements when budget setting occurs, in order to score cheap political points.

His reference to the “previous administration” not having set a balanced budget in 2007/2008 and referring to a potential 20% Council Tax increase is wholly inaccurate and misleading information. It is just not permissible to set a budget that is not balanced and equally the Government will not allow a 20% rise in Council Tax. It is also a slur on the excellent staff at Taunton Deane to suggest they would allow an illegal budget to be set.

This is purely gesture politics of the worst kind and our MP should know better than peddle this alarming and misleading information. It completely detracts from where the main focus should be and that is the gross under funding of what is an excellent scheme, but not adequately resourced by central Government, whichever party is in control.

Therefore this Council resolves that:-

1. The Chief Executive to write to our Member of Parliament requesting the EDM be withdrawn or amended to remove the erroneous and misleading information; and
2. This Council fully supports any attempt to secure adequate funding for this excellent scheme but only when pursued on a factual basis. It should be above political point scoring.

An amendment was moved by Councillor Horsley, seconded by Councillor Henley to replace everything after the first paragraph with the following:-

By presenting the EDM in the form above our MP identifies the great difficulty with which the Liberal Democrat administration has had to cope with since it came to office in May 2007.

His reference to the "previous administration" is indicative of the problems that central government has burdened local government with and one which the Liberal Democrat administration has overcome by a combination of savings and prudent use of reserves which would have been equivalent to a 10% increase in Council Tax.

There is gross under-funding of what is an excellent scheme, but not adequately resourced by Central Government, whichever party is in control.

Therefore this Council resolves that:-

1. The Chief Executive to write to our MP congratulating him for drawing to the attention of other MP's the unfairness and random nature of the way concessionary bus fares are funded nationally; and
2. This Council fully supports any attempt to secure adequate funding from Central Government and asks the Chief Executive to lobby the Local Government Association and the relevant Ministry to assist in overcoming the impact on Taunton Deane Borough Council and other similar Councils up and down the country for this excellent scheme.

The amendment was put and was lost.

The motion was put and was carried.

(The following Councillors left the meeting at the times indicated:- Councillor Mrs Copley at 8.55 pm; Councillor Brockwell at 9 pm; Councillors Govier, C Hill and Woolley all at 9.05 pm; Councillor Mrs Whitmarsh at 9.24 pm; and Councillor Mrs Hill at 9.45 pm.)

(The meeting ended at 10.10 pm.)

